

AN ORDINANCE 99971

**REMOVING DAVID SOTO FROM THE MUNICIPAL CIVIL
SERVICE COMMISSION.**

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WHEREAS, the City Council appointed David Soto to serve on the Municipal Civil Service Commission; and

WHEREAS, the Municipal Civil Service Commission is a commission created by the City Charter and entrusted to, among other duties, hear appeals of classified civil service employees and perform other duties with reference to personnel administration and then make recommendations to the City Manager; and

WHEREAS, the City Charter provides that a member of the Commission may be removed by Council only for cause and after being given a written statement of the charges against him and a public hearing thereon, if he requests; and

WHEREAS, the City Council provided a written statement of charges and an opportunity for a public hearing to David Soto; and

WHEREAS, the City Council finds cause to remove from the information it has received, and that it is in the best interest of the City to remove David Soto from the position of Municipal Civil Service Commissioner; **NOW THEREFORE**:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The City Council finds that David Soto's conduct as a Commissioner on the Municipal Civil Service Commission constitutes cause for removal, as follows:

1. Failure to discharge his official duties as a Commissioner by:
 - a. Failure to report findings and recommendations in writing to the City Manager, as occurred in hearings held on January 15, 2004 (Juan Mann) and January 20, 2004 (Mariana Angulo).
 - b. Dismissing cases without hearing evidence, such as the hearings held on September 30, 2003 (Zaragoza Delgado) and March 4, 2004 (Robert A. Flores).
 - c. Repeatedly failing to provide neutral, orderly, settings for employees to present their appeal as demonstrated in the

hearings held on January 15, 2004 (Juan Mann) and January 20, 2004 (Mariana Angulo).

- d. Failing to provide an impartial and unbiased forum by showing disregard of undisputed or overwhelming evidence as occurred in hearings held on February 10, 2004 (Patricia Cranford), May 18, 2004 (Luis Vera) and July 22, 2004 (John Nieto).
- e. Interfering and directing testimony of witnesses at the hearings held on May 18, 2004 (Luis Vera) and July 22, 2004 (John Nieto).
- f. Disregarding staff recommendations and City policy such as refusing to return Municipal Civil Service case files on various occasions, interfering with the City's ability to comply with state laws for safeguarding government records.

SECTION 2. For these reasons, the City Council removes David Soto from the Municipal Civil Service Commission.

SECTION 3. The City Clerk is instructed to file a copy of this ordinance and a transcript of the public hearing.

SECTION 4. Because of the need to have a functioning Municipal Civil Service Commission to carry out its duties, in particular hearing appeals in a timely fashion in furtherance of the public peace, property, health and safety, an emergency is hereby declared and this ordinance shall be effective immediately, upon passage by eight (8) affirmative votes; otherwise, said effective date shall be ten (10) days from the date of passage hereof.

PASSED AND APPROVED this 4th day of November, 2004.

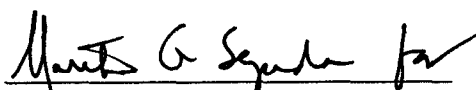


M A Y O R
EDWARD D. GARZA

ATTEST:


City Clerk

APPROVED AS TO FORM:


City Attorney

Agenda Voting Results

Name: B. An Ordinance removing for cause David Soto as a member of the Municipal Civil Service Commission.

Date: 11/04/04

Time: 09:16:04 PM

Vote Type: Multiple selection

Description:

Voter	Group	Status	Yes	No	Abstain
ROGER O. FLORES	DISTRICT 1		x		
JOEL WILLIAMS	DISTRICT 2	Not present			
RON H. SEGOVIA	DISTRICT 3		x		
RICHARD PEREZ	DISTRICT 4		x		
PATTI RADLE	DISTRICT 5		x		
ENRIQUE M. BARRERA	DISTRICT 6		x		
JULIAN CASTRO	DISTRICT 7	Not present			
ART A. HALL	DISTRICT 8		x		
CARROLL SCHUBERT	DISTRICT 9		x		
CHIP HAASS	DISTRICT_10		x		
MAYOR ED GARZA	MAYOR	Not present			